

UNITED STATES DISTRICT COURT
District of Maine

_____)	
JAMES DOUGHTY,)	
)	
Plaintiff,)	
)	
v.)	2:24-CV-00038-NT
)	
SIMPLE PLEASURES LOBSTER, INC.,)	
and)	
)	
GARY HAWKES, JR.,)	
)	
Defendants.)	
_____)	

JOINT OBJECTION TO SCHEDULING ORDER
WITH PROPOSED DISCOVERY PLAN

NOW COME Plaintiff and Defendants, through counsel, jointly objecting to the standard Scheduling Order (ECF No. 9) and proposing a joint discovery plan as set forth below.

Plaintiff filed his Complaint on February 8, 2024. Defendants' waived service of summons on April 22, 2024, and answered Plaintiff's Complaint including a Counterclaim on June 20, 2024. This Court issued its standard Scheduling Order on June 20, 2024, requiring that counsel confer by July 5, 2024, and file an objection to this Scheduling Order by July 11, 2024. ECF No. 9.

Counsel have conferred as required and agree that certain amendments to the proposed Scheduling Order are appropriate and necessary. Despite filing suit five months ago, the Parties have not yet propounded discovery on the other while they continued to explore the possibility of settlement to minimize costs and maximize the potential for a settlement which they have not yet been able to achieve. Further, Plaintiff continued to treat for his accident-related injuries through at least June 2024, including a surgical procedure performed after the filing of Plaintiff's

Complaint in February 2024. Plaintiff is expected to reach a medical endpoint around August 1, 2024. For this reason, Defendant have requested but not yet scheduled a Rule 35 examination of Plaintiff, which is likely to occur in August 2024.

The Parties do not seek to alter the proposed deadline for Initial Disclosure of July 18, 2024. As a proposed discovery plan, the Parties jointly suggest and request that all other proposed standard Scheduling Order deadlines be extended by 120 days as follows:

Deadline for Amendment of Pleadings and Joinder of Parties: January 3, 2025.

Deadline for Rule 26(a)(2)(A) Designation of Plaintiff's Experts: January 3, 2025.

Deadline for Rule 26(a)(2)(A) Designation of Defendants' Experts: February 7, 2025.

Deadline to Complete Discovery: March 7, 2025.

Deadline for Local Rule 56(h) Notice: March 14, 2025.

Deadline for Dispositive/Daubert/Kumho Motions: March 28, 2025.

Expected Trial Date: June 2, 2025.

Written Settlement Demand: Plaintiff shall make a written settlement demand upon defendants by February 21, 2024. Defendants shall respond in writing by March 7, 2024.

Dated: July 9, 2024.

/s/ Stephen W. Koerting
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CERTIFICATE OF SERVICE

I hereby certify that on the date indicated above I electronically filed the above filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties listed on the electronic service list within the CM/ECF system.

/s/ Stephen W. Koerting
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